

UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

NEW YORK

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

THOMAS K. GORSIN

CASE NUMBER: 08-m-363 DRH

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or between 6/29/08 and 8/26/08 in Albany county, in the Northern District of New York defendant(s) did, (Track Statutory Language of Offense)

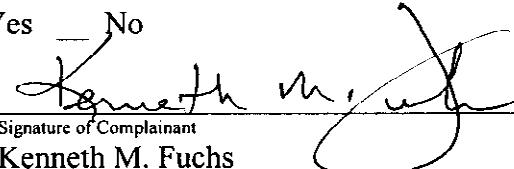
use a facility or means of interstate or foreign commerce to knowingly persuade, induce, entice, or coerce an individual who has not attained the age of 18 years to engage in a sexual act for which he may be criminally prosecuted, or attempt to do so,

in violation of Title 18 United States Code, Section(s) 2422(b)

I further state that I am a(n) Task Force Office with the FBI and that this complaint is based on the following facts:
Official Title

See attached affidavit.

Continued on the attached and made a part hereof. X Yes No


Signature of Complainant

Kenneth M. Fuchs
Task Force Officer, FBI

Sworn to before me, and subscribed in my presence,

August 26, 2008

Date

at Albany, New York

City and State

Mag. David R. Homer

Name and Title of Judicial Officer



Signature of Judicial Officer

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
Albany Division**

I, Kenneth M. Fuchs, Task Force Officer, Federal Bureau of Investigation (FBI), being duly sworn, depose and state

1. I am a Task Force Officer with the Federal Bureau of Investigation Innocent Images Initiative. I have held this position for three years. I am currently assigned to the Albany Division of the FBI. My duties as a Task Force Officer include the investigation of federal crimes involving child exploitation and the execution of search warrants related to such crimes. I am also a Detective Sergeant with the Colonie Police Department.

2. This affidavit is made in support of an application for a criminal complaint against Thomas K. Gorsin, a youth soccer referee, for a violation of 18 U.S.C. § 2422(b).

3. Section 2242(b) of Title 18 of the United States Code provides that “[w]hoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.”

⁴ New York State Penal Law, Section 130.45 (1) defines the crime of criminal sexual

act in the second degree as follow: "A person is guilty of criminal sexual act in the second degree when ... [b]eing eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old."

5. New York State Penal Law, Section 130.00 (2)(a) defines "oral sexual conduct" as "conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina."

6. New York State Penal Law, Section 130.00 (2)(a) defines "anal sexual conduct" as "conduct between persons consisting of contact between the penis and anus."

7. On July 1, 2008, the parents of a fourteen year old male who works part time as a youth soccer referee, hereinafter identified as John Doe, filed a complaint/report with a representative of the Town of Colonie Police Department, Colonie, New York. The report/complaint asserted that in late June, 2008, two e-mail messages were received by an email account held by John Doe's parents. These messages contained John Doe's first name in the subject line and were from an unknown sender bearing email address; "Loadedd1975@aol.com." The parents were unfamiliar with the sender and were concerned with the content of the second message which (responding to a request for the sender to identify himself/herself) provided as follows: "Someone who thanks your way cute. I'm 6.1. 165 brown eyes blondish hair and male too. Write me back about you. Thanks. Kev."

8. On July 3, 2008, Investigator Henry Rosenzweig of the Town of Colonie Police Department met with John Doe and his parents at their residence in the Town of Colonie. During that meeting Investigator Rosenzweig responded in an undercover capacity to the email address "Loadedd1975@aol.com" advising the sender that the original email address was the email address of John Doe's mother. The email response also advised the original sender that if he wished to speak with John Doe further he could use the email address of "futballerr@yahoo.com".

9. The email address "futballerr@yahoo.com" was established by Task Force Officer Fuchs (hereinafter "TFO Fuchs") using a free internet service provided by Yahoo. The following

information describes the exchange of e-mail between TFO Fuchs, acting in an undercover capacity having assumed the identity of John Doe, and the target of the investigation:

- a. On July 4, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. The email addressed John Doe by his first name and complimented John Doe as "really a cute guy." The sender described himself as "much older than" John Doe but liked "meeting younger guys for just chat and hang out." The sender further described himself further as being "6'1 165 or so, brown eyes blonde. smooth body and soccer build. A jock"
- b. On July 13, 2008, TFO Fuchs acting in an undercover capacity replied to the July 4, 2008 email using the futballerr@yahoo.com email account.
- c. On July 14, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender identified himself as being "another referee." The sender complimented John Doe as being "very good looking". The sender indicated that he was "older" and believed John Doe to be "like 16 or 17" years of age.
- d. On July 14, 2008, TFO Fuchs acting in an undercover capacity replied to the July 14, 2008 email using the futballerr@yahoo.com email account. In this email TFO Fuchs identifies himself as being 14 years old.
- e. On July 16, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender wrote that he met John Doe "at the North Colonie soccer site for the Empire Cup". I am aware that Empire Cup is a youth soccer tournament that was held on June 28, 2008, in North Colonie and that John Doe refereed various soccer games at this tournament. The sender identified himself as "the tall blonde ref who all the linesmen liked." The sender further described himself as "a nice guy. I'm 6.0. 164 swimmers build." The sender wrote that seven years earlier he had "met a 14 year old like" John Doe. The sender stated that he and the other 14 year old "had fun" and "hung out like 5 times." The sender also wrote that "maybe someday" John Doe and he could meet. This email contains several sexual innuendos.

- f. On July 17, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender apologized for the last email stating; "sorry if the last email wasn't what you expected."
- g. On July 23, 2008, TFO Fuchs acting in an undercover capacity replied to the July 17, 2008 email using the futballerr@yahoo.com email account.
- h. On July 24, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender asked if John Doe had "ever done anything with another guy yet."
- i. On July 30, 2008, TFO Fuchs acting in an undercover capacity replied to the July 24, 2008 email using the futballerr@yahoo.com email account.
- j. On July 31, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender writes about the possibility of meeting John Doe and performing oral sex on John Doe (and having John Doe perform oral sex on the sender) in a car.
- k. On August 3, 2008, TFO Fuchs acting in an undercover capacity replied to the July 31, 2008 email using the futballerr@yahoo.com email account.
- l. On August 3, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender writes about meeting John Doe in person.
- m. On August 3, 2008, TFO Fuchs acting in an undercover capacity replied to the August 3, 2008 email using the futballerr@yahoo.com email account.
- n. On August 4, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender provided a digital image of a male indicating it was an image of the sender. The sender wrote about chatting with John Doe "at the North Colonie site of the Empire Soccer Cup." The sender further claimed that he also referees high school games.
- o. On August 4, 2008, TFO Fuchs acting in an undercover capacity replied to the

August 4, 2008 email using the futballerr@yahoo.com email account.

- p. On August 5, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender directs John Doe to delete each email after viewing them. The sender claims that he lives "up near Malta. Like 15 minutes from Latham area." The sender writes that he is aware that John Doe is 14 years of age and describes that age as a minor. The sender talks about meeting John Doe in person.
- q. On August 10, 2008, TFO Fuchs acting in an undercover capacity replied to the August 5, 2008 email using the futballerr@yahoo.com email account.
- r. On August 11, 2008, TFO Fuchs acting in an undercover capacity sent another email to Loadedd1975@aol.com from the futballerr@yahoo.com email account.
- s. On August 12, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender writes about meeting with John Doe to "make out." A second email was received on the same date from the email address Loadedd1975@aol.com.
- t. On August 14, 2008, TFO Fuchs acting in an undercover capacity replied to the August 12, 2008 emails using the futballerr@yahoo.com email account.
- u. On August 15, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender writes about meeting John Doe in the afternoon between 2 and 4 somewhere private . The sender writes that he would try to kiss John Doe and would then perform oral sex on John Doe until John Doe ejaculated into the sender's mouth. The sender also writes that he would permit John Doe to perform oral sex on the sender.
- v. On August 15, 2008, TFO Fuchs acting in an undercover capacity replied to the August 15, 2008 email using the futballerr@yahoo.com email account.
- w. On August 16, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender writes about meeting John Doe somewhere "where nobody goes."

- x. On August 17, 2008, TFO Fuchs acting in an undercover capacity replied to the August 16, 2008 email using the futballerr@yahoo.com email account.
- y. On August 18, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender writes about meeting John Doe on Saturday, August 23, 2008, and asks if John Doe has identified "a spot" where they can meet.
- z. On August 18, 2008, TFO Fuchs acting in an undercover capacity replied to the August 18, 2008 email using the futballerr@yahoo.com email account.
- aa. On August 19, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender writes about meeting John Doe on Tuesday (August 26, 2008) or Thursday (August 28, 2008). The sender also talks about his penis in the message.
- bb. On August 19, 2008, TFO Fuchs acting in an undercover capacity replied to the August 19, 2008 email using the futballerr@yahoo.com email account.
- cc. On August 20, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender writes about meeting John Doe on Tuesday (August 26, 2008) around 1 o'clock. The sender writes about touching and feeling John Doe. Also on August 20, 2008, futballerr@yahoo.com received a second incoming email from Loadedd1975@aol.com. In this email the sender writes about making out with John Doe and performing oral sex on John Doe.
- dd. On August 20, 2008, TFO Fuchs acting in an undercover capacity replied to the August 20, 2008 email using the futballerr@yahoo.com email account.
- ee. On August 21, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender confirms details about meeting John Doe on Tuesday (August 26, 2008) at 1:00 o'clock at the McDonald's restaurant on Osborne Road in the Town of Colonie. The sender also writes about performing oral sex on John Doe and also having anal intercourse with John Doe. The sender also writes

about bringing personal lubricant and towels to lay on.

ff. On August 22, 2008, TFO Fuchs acting in an undercover capacity replied to the August 21, 2008 email using the futballerr@yahoo.com email account.

gg. On August 22, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender writes about meeting John Doe.

hh. On August 24, 2008, TFO Fuchs acting in an undercover capacity replied to the August 22, 2008 email using the futballerr@yahoo.com email account.

ii. On August 24, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender tells John Doe that, on Tuesday (August 26, 2008) he will park his "white car" behind the McDonald's restaurant.

jj. On August 25, 2008, futballerr@yahoo.com received an incoming email from Loadedd1975@aol.com. In this email the sender tells John Doe that, on Tuesday, August 26, 2008, he will park in the back of the dumpster and that he will be wearing a white sleeveless tee.

14. In response to a subpoena served to America Online (AOL) requesting account information for email account Loadedd1975@aol.com, I was provided with the following information::

Subscriber: Tom Gorsin

Address: D&R Village Lot #152 Route #146
Clifton Park, New York 12065

Phone: 5183732199 (evening)
5183823147(daytime)

Acct. Status: Active

Member Since: 02-02-01 15:08:20 edt

15. I am aware that the use of America Online to communicate involves electronic transmissions that travel from the point of destination to the State of Virginia.

16. Information obtained from a database maintained by the New York State Department

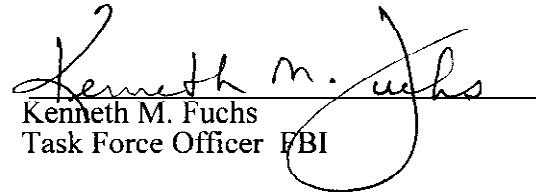
of Motor Vehicles indicates that an individual named Thomas K. Gorsin (Date of Birth: 07/26/1955) resides at "D&R Vill Rt 146 L152, Clifton Park, New York 12065." This database also indicates that Thomas K. Gorsin (Date of Birth: 07/26/1955), D&R Vill Rt 146 L152, Clifton Park, New York 12065, owns and has registered a white, four door 1996 Chevrolet Cavalier with a DVA5788 license plate number.

17. On August 20, 2008, I received a referee schedule for the Empire Cup from June 28, 2008. This schedule an individual with the last name "Gorsin" as a referee scheduled to work on June 28th, 2008, at the North Colonie Soccer Complex.

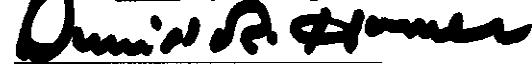
18. On Tuesday, August 26, 2008, at around 12:00 p.m., I observed a white, four door 1996 Chevrolet Cavalier with a DVA5788 license plate number enter the McDonald's parking lot on Osborne Road in the Town of Colonie. After observing the driver of the automobile drive around the McDonald's parking lot, the driver parked the automobile in several spots in rear of the McDonald's building.

19. At approximately 12:45 p.m., along with other agents, I approached the white, four door 1996 Chevrolet Cavalier with a DVA5788 license plate number. The driver of the vehicle subsequently identified himself as Tom Gorsin.

WHEREFORE, I respectfully request that the Court issue a complaint charging defendant, Thomas K. GOrsin, with a violations of 18 U.S.C. § 2422(b).


Kenneth M. Fuchs
Task Force Officer FBI

Subscribed and sworn to before
me this 26 day of August, 2008


Hon. David R. Homer
United States Magistrate